

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IOVATE HEALTH SCIENCES U.S.A.,)
INC., et al.,)
Plaintiffs,)
v.) C.A. No. 07-286 (JJF)
WELLNX LIFE SCIENCES INC.)
(d.b.a. NV INC.), et al.,)
Defendants.)

STIPULATION AND

AMENDED SCHEDULING ORDER

WHEREAS the parties need additional time of three months for the production of documents and for other fact discovery, and therefore seek an extension of the fact discovery deadline;

WHEREAS it will also be helpful to the parties to extend by a corresponding length of time the other dates in the scheduling order (D.I. 32) that depend upon and follow the completion of fact discovery if it fits the Court's schedule;

IT IS HEREBY stipulated by the parties, subject to the approval of the Court, that the scheduling order (D.I. 32) is modified as follows:

1. Paragraph 3(a): Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by August 15, 2008. All fact discovery shall be completed by October 10, 2008.

2. Paragraph 7: The *Markman* hearing will be rescheduled from September 30, 2008 to a date convenient for the Court in early 2009. Opening *Markman* briefs shall be served and filed thirty (30) days prior to the hearing date. Responsive *Markman* briefs

shall be served and filed fourteen (14) days prior to the hearing date. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

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Dated: May 22, 2008

SO ORDERED this 23 day of May, 2008.


UNITED STATES DISTRICT JUDGE

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